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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

13 SUCCESSFACTORS, INC, a Delaware
corporation,

14 Plaintiff,

15 vs.

16 SOFTSCAPE, INC., a Delaware corporation,
17 and DOES 1-10, inclusive,

18 Defendants.
19
20
21

Case No. CV08-1376 CW (BZ)

**DECLARATION OF JEFFREY M.
RATINOFF IN SUPPORT OF
DEFENDANT SOFTSCAPE, INC.'S
OBJECTIONS TO THE AUGUST 19,
2008 AND AUGUST 27, 2008 ORDERS
REGARDING ADMINISTRATIVE
MOTION FOR RELIEF TO SEAL**

Judge: Honorable Claudia Wilken

Complaint Filed: March 11, 2008

Trial Date: June 1, 2009

22 I, Jeffrey M. Ratinoff, under penalty of perjury, declare as follows:

23 1. I am Of Counsel with the law firm of Mintz Levin Cohn Ferris Glovsky and Popeo,
24 PC, I am counsel for defendant Softscape, Inc. ("Softscape") in this action. I am a member in good
25 standing of the State Bar of California and am admitted to practice law in this District.

26 2. The following declaration is based on my personal knowledge. If called upon to
27 testify, I could testify competently as to the matters set forth herein.

28 3. Under the Protective Order entered in this case, Softscape produced certain landline

1 telephone records. In response to plaintiff SuccessFactors, Inc.'s ("SuccessFactors") requests for
2 production, Softscape agreed to produce them with the "Highly Confidential – Outside Attorneys'
3 Eyes Only" designation afforded by the Protective Order in order to protect the privacy interests of
4 non-parties whose numbers appear on those records.

5 4. Exhibit 28 (Bates numbered SSHC00654) to the Declaration of Henry Z. Carbajal III
6 in Support of SuccessFactors' Motion to Compel consists of a one-page telephone log from
7 Softscape's Wayland, Massachusetts office that includes annotation provided by Softscape; it was
8 designated "Highly Confidential – Outside Attorneys' Eyes Only. I am informed and believe that
9 these phone records contain the private phone numbers for several Softscape employees that are not
10 parties to this action. I am further informed and believe that Softscape's phone records are not
11 readily accessible from within the company, and Softscape considers them as highly confidential. I
12 am also informed and believe that Softscape only allows a select few persons inside the company to
13 have access to the records.

14 5. I believe that the filing of the phone records and the information contained therein in the
15 public record would violate the right of privacy afforded to the persons whose numbers are listed in the
16 phone records.

17 6. Further, I believe that the filing of the phone records and the information contained
18 therein in the public record would likely subject the non-parties whose numbers are listed in those
19 records, to unwanted annoyance and harassment. This case and the Court's files are closely
20 watched by individuals posting on various Internet discussion groups and blogs. As such, it is
21 likely that these posters may publicly post or call the numbers listed in those records without a good
22 faith basis to do so. I also believe that the public filing of the phone records could subject or expose
23 the persons whose personal and private information is disclosed to identity theft.

24 I declare under penalty of perjury under the laws of the United States of America that the
25 foregoing is true and correct. Executed this 29th day of August, 2008 at Palo Alto, California.

26 By: /s/ Jeffrey M. Ratino
27 JEFFREY M. RATINOFF

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